

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re The Application of:)
Daniel Ting et al.)
Serial No.: 10/776,057)
Filed: February 11, 2004)
For: SYSTEM AND METHOD FOR)
COMPARING DATA SETS)
)
)

Examiner: Morrison, Jay A

Art Unit: 2168

Cesari and McKenna, LLP
88 Black Falcon Avenue
Boston, MA 02210
August 14, 2007

CERTIFICATE OF TRANSMISSION

I hereby certify that the following papers are being electronically transmitted to the Patent and Trademark Office by EFS-Web on August 14, 2007.

/Merisa Jakupovic/
Merisa Jakupovic

Commissioner for Patents
Art Unit 2168
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

PETITION FOR WITHDRAWAL OF HOLDING OF ABANDONMENT
AS UNAVOIDABLY ABANDONED UNDER 37 CFR 1.137(A) OR ALTERNA-
TIVELY FOR REVIVAL OF APPLICATION AS UNINTENTIONALLY ABAN-
DONED UNDER 37 CFR 1.137(B)

The above-identified application became abandoned for failure to respond to an Office Action mailed on September 14, 2006. The date of abandonment is the day after the expiration date of the period set for reply in the Office Action plus any extensions of time actually obtained.

On April 20, 2007, Applicant's received a Notice of Abandonment from the Examiner Jay A. Morrison.

Applicants hereby petitions for withdrawal of the holding of abandonment under 37 CFR. §1.137(a), which states:

“(a) *Unavoidable*. If the delay in reply by applicant or patent owner was unavoidable, a petition may be filed pursuant to this paragraph to revive an abandoned application, a reexamination proceeding terminated under §§ 1.550(d) or 1.957(b) or (c), or a lapsed patent.”

Applicant attaches Exhibit A showing that Notice of Non-Compliant Amendment was not received. Additionally, Exhibit C shows that the Notice of Non-Compliant Amendment was never available on Private Pair. Therefore, replying to the Notice of Non-Compliant Amendment within the time period set forth was unavoidable.

PETITION FEE:

The Director is hereby authorized to charge the appropriate petition fee(s) under 37 CFR §1.17(l) or any additional fee occasioned by this Petition to our Deposit Account No. 03-1237.

REPLY:

Applicants cannot submit an Amendment in response to the Notice of Non-compliant Amendment because the Notice of Non-compliant Amendment was not sent

with the Notice of Abandonment as requested nor available through Private Pair. (See Exhibit B & C)

STATEMENT:

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(a) was unavoidable.

TERMINAL DISCLAIMER:

As this application was filed after June 8, 1995, no terminal disclaimer is required.

Alternatively, should the USPTO not grant the petition under 37 CFR §1.137(b), Applicants hereby petitions for revival of this application as unintentionally abandoned under 37 CFR §1.137(b).

PETITION FEE:

The Director is hereby authorized to charge the appropriate petition fee(s) under 37 CFR §1.17(m) or any additional fee occasioned by this Petition to our Deposit Account No. 03-1237.

REPLY:

Applicants cannot submit an Amendment in response to the Notice of Non-compliant Amendment because the Notice of Non-compliant Amendment was not sent with the Notice of Abandonment as requested nor available through Private Pair. (See Exhibit B & C)

STATEMENT:

The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional, as

the Notice of Non-Compliant Amendment was never received, which is supported by the affidavit and the Notice of Non-Compliant Amendment.

TERMINAL DISCLAIMER:

As this application was filed after June 8, 1995, no terminal disclaimer is required.

Please charge any additional fee occasioned by this paper to our Deposit Account No. 03-1237.

Respectfully submitted,

/Shannen C. Delaney/
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